

**FILED**

JUL 08 2008

**Board of Vocational Nursing  
and Psychiatric Technicians**

EDMUND G. BROWN JR., Attorney General  
of the State of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
ROBERT B. MILLER, State Bar No. 57819  
Deputy Attorney General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 322-8166  
Facsimile: (916) 324-5567

Attorneys for Complainant

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-403

**NYAISHA MOORE-COLEMAN, AKA  
NYAISHA ELOUISE OCTAVIA MOORE**

**A C C U S A T I O N**

461 Czerny Street  
Tracy, California 95376  
Vocational Nurse License No. VN 219963

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

**Vocational Nurse License**

2. On or about April 12, 2006, the Board issued Vocational Nurse License Number VN 219963 to Nyaisha Moore-Coleman, also known as Nyaisha Elouise Octavia Moore ("Respondent"). The vocational nurse license will expire on July 31, 2009, unless renewed.

**STATUTORY PROVISIONS**

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any

1 reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing  
2 Practice Act.

3 4. Code section 118, subdivision (b) provides, in pertinent part, that the  
4 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
5 action during the period within which the license may be renewed, restored, reissued or  
6 reinstated. Under Code section 2892.1, the Board may renew an expired license at any time  
7 within four years after the expiration.

8 5. Code section 2878 states, in pertinent part:

9 The Board may suspend or revoke a license issued under this chapter [the  
10 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of  
the following:

11 (f) Conviction of a crime substantially related to the qualifications,  
12 functions, and duties of a licensed vocational nurse, in which event the record of  
the conviction shall be conclusive evidence of the conviction.

13 6. Code section 2878.5 states, in pertinent part:

14 In addition to other acts constituting unprofessional conduct within the  
15 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional  
conduct for a person licensed under this chapter to do any of the following:

16 (b) Use any controlled substance as defined in Division 10 of the Health  
17 and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic  
18 beverages, to an extent or in a manner dangerous or injurious to himself or herself,  
any other person, or the public, or to the extent that the use impairs his or her  
19 ability to conduct with safety to the public the practice authorized by his or her  
license.

20 (c) Be convicted of a criminal offense involving possession of any  
21 narcotic or dangerous drug, or the prescription, consumption, or  
22 self-administration of any of the substances described in subdivisions (a) and (b)  
of this section, in which event the record of the conviction is conclusive evidence  
thereof.

### 23 COST RECOVERY

24 7. Code section 125.3 provides, in pertinent part, that the Board may request  
25 the administrative law judge to direct a licentiate found to have committed a violation or  
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case.

28 ///



1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 8. Respondent is subject to discipline under Code section 2878, subdivision  
4 (f), in that on December 18, 2006, in the Superior Court, County of Alameda, Hayward Hall of  
5 Justice, in the case entitled *People of the State of California vs. Nyasha Moore aka Nyasha*  
6 *Moore*, (Super. Ct., Alameda Cty., 2006, Case No. 396615), Respondent was convicted by the  
7 court on her plea of no contest of violating Vehicle Code section 23152, subdivision (b) (driving  
8 while having .08% or higher blood alcohol). The circumstances of the crime are that on  
9 August 12, 2006, Respondent drove a vehicle while having .08% or higher blood alcohol. Such  
10 conduct is substantially related to the qualifications, functions, and duties of a licensed  
11 vocational nurse.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Criminal Conviction Involving Alcoholic Beverages)**

14 9. Respondent is subject to discipline under Code section 2878.5, subdivision  
15 (c), on the grounds of unprofessional conduct, in that Respondent has been convicted of a crime  
16 involving alcoholic beverages, as more particularly set forth in paragraph 8, above.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Used Alcoholic Beverages to an Extent or in a Manner Dangerous**  
19 **or Injurious to Herself or Others)**

20 10. Respondent is subject to discipline under Code section 2878.5, subdivision  
21 (b), on the grounds of unprofessional conduct, in that on or about August 12, 2006, Respondent  
22 used alcoholic beverages to an extent or in a manner dangerous or injurious to herself or others.

23 **PRAYER**

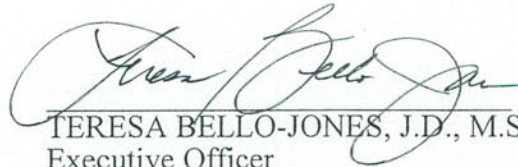
24 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
25 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
26 Technicians issue a decision:

27 1. Revoking or suspending Vocational Nurse License Number VN 219963,  
28 issued to Nyasha Moore-Coleman, also known as Nyasha Elouise Octavia Moore;

1                   2.       Ordering Nyaisha Moore-Coleman, also known as Nyaisha Elouise  
2 Octavia Moore to pay the Board of Vocational Nursing and Psychiatric Technicians the  
3 reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
4 125.3; and,

5                   3.       Taking such other and further action as deemed necessary and proper.

6  
7 DATED: July 8, 2008

8  
9  
10 

TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant